

Interview Summary

Application No.

09/884,854

Applicant(s)

ODINAK ET AL.

Examiner

Yogesh C. Garg

Art Unit

3625

All participants (applicant, applicant's representative, PTO personnel):

(1) Yogesh C. Garg.

(3) _____

(2) Scott Born.

(4) _____

Date of Interview: 03 January 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____

Claim(s) discussed: 1.

Identification of prior art discussed: _____

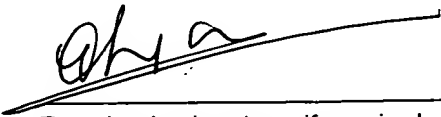
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner informed Mr. Born that he has already reviewed his remarks received on 10/31/2007 and they were not persuasive for following reasons: The new limitation added to claim 1, "wherein the recording of the request is not required to receive the broadcast" does not find support in the applicant's originally filed specification and/or originally filed claims.

The applicant argues that in Jackson reference the recording of a request is a pre-condition of receiving the song and as such the combination of Jackson and Crosby is non-functional and therefore it is not obvious to combine the prior art teachings of Crosby and Jackson to arrive at the applicant's recited claim 1. The examiner respectfully disagrees because keeping in line with KSR case (KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)), all the claimed elements were known in the prior arts of Crosby and Jackson and one skilled in the art could have combined the features as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of an ordinary skilled in the art at the time of the invention. Also, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 82 USPQ2d 1385 (2007), forecloses the requirement of requirement of a motivation to combine the teachings of prior arts. Mr. Born indicated that he would further respond on receiving the Office action to be mailed in due course based on the above examiner's findings..